Supreme Court of the United States

OCTOBER TERM, 1968

No. 477

UNITED STATES OF AMERICA,
Petitioner,

—v.—

UNITED STATES COIN AND CURRENCY IN THE AMOUNT OF $8,674, DONALD ANGELINI,
Claimant.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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DOCKET ENTRIES IN DISTRICT COURT

DATE	FILINGS—PROCEEDINGS	
2-18-64	Filed Libel and One copy	JS 5
2-18-64	Filed designation	
2-18-64	Issued Citation in Personam and 2 copies with one copy of Libel	ht
4- 7-64	Filed warrant of seizure and monition, certificate of publication, mailing of notice and Marshal's return of attachment	3.00 sb
6- 3-64	Filed Motion to Intervene	
6- 3-64	Leave given Donald Angelini to intervene and to file claim and answer—Decker, J. Mld. notices 6-4-64	
6- 3-64	Filed Claim of Owner	
6- 3-64	Filed Answer of Donnald Angelini, Claimant	P
1-12-65	Cause called for Report on Status and set for trial on Feb. 1, 1965 trail call.—Decker, J. mailed notices 1-13-65	h
1-21-65	On Motion of Defendant, cause taken off trial call of February 1, 1965 and reset to March 1, 1965 trial call.—Decker, J. mailed notices 1-22-65	h
3- 1-65	Cause removed from present trial call and reset to April 5, 1965 trial call.—Decker, J. mailed notices 3-2-65	h
4- 5-65	Cause removed from April 5, 1965 trial call and reset to May 3, 1965 trial call.—Decker, J. mailed notices 4-6-65	h
5- 3-65	Cause called for trial. On Motion of U.S., cause removed from May trial call and reset to June 7 trial.—Decker, J. mailed notices 5-4-65	h

DATE	FILINGS—PROCEEDINGS	
6- 7-65	Cause called for trial and contd. to June 21, 1965 at 10:00 a.m. for trial call—Decker, J. Mld. notices 6-8-65	P
6- 8-65	On Court's own motion order of June 7, 1965 hereby vacated and cause reset for trial on June 14, 1965 at 10:00 A.M. Decker, J. Mld. Ntcs. 6-9-65	E
6- 9-65	Motion defendant to reset trial date denied. Cause held for trial on June 14, 1965.—Decker, J. Mld ntcs. 6-10-65	ht
6-14-65	Cause called for trial and contd to June 15, 1965 at 2:00 P.M.—Decker, J. Mld Ntcs. 6-15-65	E
6-15-65	Cause called for trial. Opening statements made. Evidence heard in part on behalf of plaintiff and cause continued to June 16, 1965 at 10:00 a.m.—Decker, J. Mld ntcs. 6-16-65	ht
6-16-65	Filed Subpoena returned served on Reis Mitchel.	
6-16-65	Further evidence heard on behalf of Govt. Govt rests. Deft rests. Final arguments made. Govt to submit Proposed Findings and Supporting Brief in one week. Deft to submit answering Brief one week thereafter. Cause taken under advisement.—Decker, J. Mld. Notices 6-17-65.	R
6-24-65	On motion U.S., time in which to file brief is hereby extended to June 29, 1965—Decker, J. Mld 6-25-65	aim
6-29-65	Filed Memorandum in support of motion for judgment for libelant	aim
7-16-65	Filed Memorandum in support of motion for judgment for Claimant	v

DATE	FILINGS—PROCEEDINGS	
8-25-65	Enter Findings of Fact and Conclusions of Law. DRAFT Enter Judgment order. Respondent U.S. Coin & Currency forfeit in amount of $8,674.00 to United States. Further order U.S. Marshal turn over U.S. Coin & Currency in amount of $8,674.00 to District Director, Internal Revenue.—Decker, J.	2 DRAFTS
	Mld ntcs. 8-26-65	JS 6 ht
9-22-65	Filed Receipt of District Director of Internal Revenue at Chicago re currency in amount of $8,674.00	$3.00 ht
10-22-65	Filed Intervenor—Claimant's Notice of Appeal	
	Mailed copy of notice of appeal to U.S. Atty.	B
10-25-65	Filed Bond on appeal	B
11- 1-65	Filed Statement of appellee, pursuant to Rule 12(d) U.S. Court of Appeals, 7th Circuit.	B
11- 5-65	Filed Stipulation for diminution of the record on appeal	B
12- 1-65	Leave given for extension of time to docket and file record on appeal to January 10, 1966—Decker, J.	
	Mailed Notice 12-1-65	B
1- 5-66	Filed Government's exhibits 4 thru and including 19, in three binders	B
1-10-66	Clerk's file copy of transcript of proceedings had before the Honorable Bernard M. Decker, Judge on June 15, 16, 1965 filed by the Official Court Reporter	
1-10-66	Certified and transmitted record on appeal to U.S.C.A., 7th Circuit	B
8-29-67	Filed Mandate from U.S.C.A. 7th Circuit, it is ordered that the judgment of said District Court entered on August 25, 1965 is hereby AFFIRMED.	

DATE	FILINGS—PROCEEDINGS
8-29-67	Filed Opinion.
8-29-67	Received Mandate, Record, Exhibits and Opinion from U.S.C.A. for the Seventh Circuit. R
4-15-68	Filed certified copy of order entered April 9, 1968 by the U.S.C.A., 7th Circuit, IT IS HEREBY ORDERED that the mandate of this Court heretofore issued to the U.S. District Court for the Northern District of Illinois, Eastern Division, on August 18, 1967, be, and the same is hereby recalled. IT IS FURTHER ORDERED and adjudged by this Court that the judgment of the U.S. District Court for the Northern District of Illinois, Eastern Division, entered in this cause be, and the same is hereby REVERSED, and this cause is hereby REMANDED to the District Court for the entry of an appropriate judgment for claimant-appellant, in accordance with the opinion of this court filed this day. JS 5 G
8- 8-68	Filed certified copy of order entered August 7, 1968 by the U.S. Court of Appeals, 7th Circuit, IT IS ORDERED that the clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, be authorized and directed to return the entire record on appeal to this Court and that after such recall of the record the Clerk of this Court is hereby authorized and directed to certify and transmit the said record to the Supreme Court of the United States as a part of the Government's application for writ of certiorari. G
8-15-68	Certified and transmitted entire previous record on appeal to the U.S.C.A., 7th Circuit, with the exception of Government's exhibits not now in the Clerk's office. G

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

No. 64C 295

UNITED STATES OF AMERICA, LIBELANT

-vs-

UNITED STATES COIN & CURRENCY
IN THE AMOUNT OF $8,674.00, RESPONDENTS

LIBEL

To the Honorable Judges of Said Court:

Now comes FRANK E. McDONALD, United States Attorney for the Northern District of Illinois, and presents the libel of the UNITED STATES OF AMERICA against aforesaid respondents and against all persons seeking to intervene in these proceedings for the purpose of claiming aforesaid respondents pursuant to 28 U.S.C. 1345 and 26 U.S.C. 7302.

For a cause of action the UNITED STATES OF AMERICA alleges upon information and belief:

1. From on or about August 1, 1963, until on or about August 24, 1963, within the jurisdiction of this Court, a business was being operated by Donald Angelini, in violation of 26 U.S.C. 4401, 4411, 4412, and 4901 without the owner, owners, operator, operators, conductor and conductors of this business having complied with the provisions of these sections of the United States Code.

2. On one or more of the aforementioned dates, within the jurisdiction of this Court, aforesaid respondents had been used and were intended to be used in violation of the Internal Revenue Laws of the United States of America.

3. On or about August 24, 1963, aforesaid respondents were seized, pursuant to 28 U.S.C. 7302 by agents of the

United States Treasury Department acting under the authority of the Secretary of the Treasury and are now in the possession and control of the Internal Revenue Service, United States Treasury Department.

4. By reason of the foregoing premises, this cause is within the admiralty jurisdiction of this Court, and by virtue thereof and by force of the Statutes hereinabove set forth aforementioned respondents became forfeit and are forfeited to the United States of America.

WHEREFORE, FRANK E. McDONALD, United States Attorney for the Northern District of Illinois, who presents this action on behalf of the UNITED STATES OF AMERICA, prays as follows:

1. That process in due form of law according to the practice of this Court in admiralty causes may issue, citing all persons having or claiming an interest in aforesaid respondents to appear and answer this libel.

2. That aforesaid respondents be adjudged and decreed forfeited to the UNITED STATES OF AMERICA.

3. That the UNITED STATES OF AMERICA have such other and further relief as may be just in the premises.

FRANK E. McDONALD
United States Attorney
Proctor for Libelant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

[Title Omitted]

CLAIM OF OWNER

Now comes DONALD ANGELINI, owner in law of $8,674.00 in United States Coin and Currency, that is the subject matter of this case, and makes claim to the said $8,674.00 in United States Coin and Currency now being held and detained by Agents of the United States Treasury Department and under the control of the Internal Revenue Service, and the said Claimant avers that he is the true and bona fide lawful owner of said coin and currency, and was such at the time of the seizure thereof.

WHEREFORE, DONALD ANGELINI prays to defend accordingly.

DONALD ANGELINI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

[Title Omitted]

ANSWER OF DONALD ANGELINI, CLAIMANT

Now comes DONALD ANGELINI, Claimant, by his proctor, Richard E. Gorman, and files this his Claim and Answer to the Libel and Complaint of the United States of America against United States coin and currency in the amount of $8,674.00, and, answering upon information and belief, says:

1. He denies the allegations of paragraph 1 of the Libel.

2. He denies that on any of the dates mentioned in the Libel, within the jurisdiction of this Court, the respondent had been used and was intended to be used in violation of the Internal Revenue Laws of the United States of America.

3. He admits that on or about August 24, 1963, the aforesaid respondent was seized by agents of the United States Treasury Department and is now in the possession and control of the Internal Revenue Service but denies the aforesaid respondent was legally seized under any color of law or regulation.

4. He admits that the cause is within the jurisdiction of this Court by virtue and by force of the Statutes of the United States in this Libel referred to but denies that the aforesaid respondent, or any part thereof, became or is forfeited to the United States of America, but on the contrary avers and states that the same respondent as aforesaid is and constitutes the property of the Claimant, DONALD ANGELINI.

WHEREFORE, this Claimant prays this Honorable Court will dismiss the Libel aforesaid and enter its order directing the return of the $8,674.00 in United States currency and coin, and the entirety thereto to this Claimant and that the Libelant herein be condemned with cost.

RICHARD E. GORMAN
Proctor for Claimant,
One North LaSalle Street,
Chicago 2, Illinois
Phone—Central 6-7722

[Jurat Omitted]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

No. 64 C 295

UNITED STATES OF AMERICA, LIBELANT

vs.

UNITED STATES COIN & CURRENCY
IN THE AMOUNT OF $8,674.00, RESPONDENT

and

DONALD ANGELINI, INTERVENOR-CLAIMANT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

1. This Court has jurisdiction of the subject matter and of the parties.
2. From on or about August 1, 1963, until on or about August 24, 1963, there was being operated and conducted a bookmaking business at Sportsman's Park, Cicero, Illinois.
3. This bookmaking business was being operated and conducted without payment of the occupational tax of $50.00 as required by 26 U.S.C. 4411, and without registration with the District Director of Internal Revenue as required by 26 U.S.C. 4412.
4. This wagering business was thus being operated and conducted in violation of 26 U.S.C. 4901.
5. Respondent, United States Coin & Currency in the Amount of $8,674.00 was being used in this bookmaking business, and was an integral part thereof.
6. On August 24, 1963, Agents of the Internal Revenue Service, United States Treasury Department, acting under the control and direction of the District Director of Internal Revenue, United States Treasury Department, Chicago, Illinois, and under the authority of the Secretary of the Treasury, seized and took possession of aforesaid respondent.

7. Aforesaid respondent had been used and was intended to be used in violation of the provisions of the Internal Revenue laws in that respondent was being used in a bookmaking business.

Conclusions of Law

1. This Court has jurisdiction of the subject matter and of the parties.
2. Respondent, United States Coin & Currency in the Amount of $8,674.00 was being used in a bookmaking business operated and conducted at Sportsman's Park, Cicero, Illinois.
3. Respondent, United States Coin & Currency in the Amount of $8,674.00 is property which had been used and was intended to be used in violation of the provisions of the Internal Revenue laws.
4. Donald Angelini has no property rights in and to aforesaid respondent. No other persons having appeared or having filed any claims in this proceeding, default judgment is hereby entered against them.
5. Respondent, United States Coin & Currency in the Amount of $8,674.00 is forfeited to the United States of America as provided by 26 U.S.C. 7302.

Enter:

/s/ Bernard M. Decker
Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

No. 64 C 295

UNITED STATES OF AMERICA, LIBELANT

vs.

UNITED STATES COIN & CURRENCY
IN THE AMOUNT OF $8,674.00, RESPONDENT

and

DONALD ANGELINI, INTERVENOR-CLAIMANT

JUDGMENT ORDER

This cause having come on to be heard for trial before the Court, without a jury, and the United States of America having appeared by Edward V. Hanrahan, United States Attorney for the Northern District of Illinois, and the claimant, Donald Angelini, by Richard E. Gorman his attorney, and the Court having jurisdiction, and in accordance with its Findings of Fact and Conclusions of Law, and being fully advised in the premises,

IT IS HEREBY ORDERED that respondent, United States Coin & Currency in the Amount of $8,674.00, be and the same is hereby forfeited to the United States of America;

IT IS FURTHER ORDERED that the United States Marshal turn over aforesaid United States Coin & Currency in the Amount of $8,674.00 to the District Director of Internal Revenue, Chicago, Illinois.

Judgment is hereby entered accordingly.

ENTER:

/s/ BERNARD M. DECKER
Judge

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

SEPTEMBER TERM 1966—APRIL SESSION 1967

No. 15502

UNITED STATES OF AMERICA, LIBELANT-APPELLEE

v.

UNITED STATES COIN & CURRENCY
IN THE AMOUNT OF $8,674.00, RESPONDENT,

DONALD ANGELINI, CLAIMANT-APPELLANT

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division.

June 27, 1967

Before KILEY, FAIRCHILD and CUMMINGS,
Circuit Judges.

CUMMINGS, *Circuit Judge.* In this libel, the respondent money was seized under Section 7302 of the Internal Revenue Code (26 USC § 7302) on the ground that it was being used in violation of the internal revenue laws. The money was seized from the person of Donald Angelini on August 24, 1963. In August 1963, Angelini was engaged in the business of accepting wagers at Sportsman's Park racetrack in Cicero, Illinois. His 1964 conviction for failing to pay the special occupational tax on wagers and for failing to register with the District Director of Internal Revenue (26 USC §§ 4411 and 4412) was affirmed by this Court in *United States* v. *Angelini*, 346

F.2d 278 (7th Cir. 1965), certiorari denied, 382 U.S. 838. In that case, the evidence was summarized as follows (346 F.2d at p. 280):

> "on a number of occasions during the month of August 1963 the defendant was observed at Sportsman's Park, a Cicero, Illinois, race track, receiving money from persons with whom the government agents had placed wagers on the horse races being run. On these occasions he was observed making notations. A search, subsequent to his arrest at the track, revealed he had $8,674.00 on his person and documents identified by an expert witness as 'recap sheets' showing [illegible]n or loss for wagering operations at the end [illegible]v particular race. On one of these sheets a col[illegible] figures designated by the letter 'R' corresponded exactly with a record of wagers seized from Joe 'Red' Altiere at the time of the latter's arrest. Altiere was one of the individuals with whom the government agents had placed wagers and who had been observed handling money to the defendant." [1]

Here the District Court found that the $8,674 was being used in this bookmaking business in violation of the internal revenue laws and consequently ordered forfeiture. On appeal, it is contended that the evidence was insufficient to sustain the judgment of forfeiture and that the underlying statutory provisions violate the self-incrimination clause of the Fifth Amendment.

In the prior *Angelini* case, the $8,674 found on claimant at the time of his arrest was an important link in the Government's evidence and one of the factors justifying an inference that he was engaged in the business of accepting wagers. Since the possession of the $8,674 was one of the elements supporting Angelini's conviction, he may be collaterally estopped from denying that the respondent money was an integral part of the bookmaking business being used in violation of the internal revenue laws. Cf. *Emich Motor Corporation* v. *General Motors*

[1] Altiere's wagering tax conviction was also affirmed. *United States* v. *Altiere*, 343 F.2d 115 (7th Cir. 1965), remanded, 382 U.S. 367.

Corp., 340 U.S. 558, 568-569. But even apart from the doctrine of collateral estoppal, an inference that this money was being used in illegal wagering was justified from the evidence in the forfeiture case itself. This record shows that Angelini was responsible for paying off bets, taken by other members of the bookmaking ring. His "recap sheets" indicate that the dollar volume of this business was substantial. Angelini would obviously need enough money on hand to pay off the betting customers. As noted in *United States* v. *$2117.41*, 218 F.Supp. 351, 353 (W.D. Mo. 1963):

> "A sufficient amount of ready cash to meet the demands of the trade would appear to be a necessary and closely related implement or facility of the wagering business as here transacted on the streets and in public rooms of hotels." [2]

Under this ready cash theory, it was unnecessary for the Government to show that the respondent money was actually received by Angelini from bettors on August 24, 1963, the date of seizure.

In our view the Government made out a *prima facie* case before the District Court. It was reasonable to conclude from the "recap sheets" and other evidence that Angelini was participating in a bookmaking operation when arrested. The unusually large amount of cash scattered throughout his pockets was vital to his part in the wagering operation. Here the burden of persuasion had shifted to claimant. By standing mute, he failed to discharge that burden. His silence was strong confirmation of the charges. *Local 167* v. *United States*, 291 U.S. 293, 298; *Stagner* v. *United States*, 197 F.2d 992, 994 (5th Cir. 1952). Although claimant now complains that some of this money may not have been used in his wagering business, he had ample opportunity to take the stand to explain what portion of the $8,674 was not so used.

The judgment below was based on two provisions of the wagering statutes requiring registration and payment of an occupational tax. The claimant urges that those provisions, namely, Sections 4411 and 4412 of the Inter-

[2] See also *United States* v. *$4298.80*, 179 F.Supp. 251, 254 (D.Md. 1959).

nal Revenue Code (26 USC §§ 4411 and 4412), violate the privilege against self-incrimination contained in the Fifth Amendment. Knowing that the Supreme Court was reconsidering this question, we withheld releasing this opinion pending the outcome of *Marchetti* v. *United States*, 385 U.S. 1000, and *Grosso* v. *United States*, 385 U.S. 810. However, at the close of its last Term, the Supreme Court restored those two cases to the docket for reargument during its October 1967 Term. Rather than delay this litigation further, we reject claimant's constitutional argument on the authority of *United States* v. *Kahriger*, 345 U.S. 22, and *Lewis* v. *United States*, 348 U.S. 419; but cf. *Albertson* v. *Subversive Activities Control Board*, 382 U.S. 70.

The other points raised by claimant were disposed of in this Court's earlier *Angelini* opinion, and we decline to depart therefrom.

The judgment of the District Court is affirmed.

A true Copy:

Teste:

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IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

SEPTEMBER TERM 1967—APRIL SESSION 1968

No. 15502

UNITED STATES OF AMERICA, LIBELANT-APPELLEE

v.

UNITED STATES COIN & CURRENCY
IN THE AMOUNT OF $8,674.00, RESPONDENT,

DONALD ANGELINI, CLAIMANT-APPELLANT

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division.

April 9, 1968

Before KILEY, FAIRCHILD and CUMMINGS,
Circuit Judges.

PER CURIAM. When our opinion was released herein, the Supreme Court had not yet decided *Marchetti* v. *United States*, 390 U.S. 39, and *Grosso* v. *United States*, 390 U.S. 62, so that we decided claimant's constitutional argument on the authority of *United States* v. *Kahriger*, 345 U.S. 22, and *Lewis* v. *United States*, 348 U.S. 419. See 379 F.2d 946.

After the Supreme Court's opinions were announced in the *Marchetti* and *Grosso* cases, certiorari was granted and our judgment was vacated. ..... U.S. ..... *Grosso* does not involve Sections 4411 and 4412 of the Internal Revenue Code, the provisions involved here. In *Marchetti*, the Court concluded with this admonition (390 U.S. at p. 61):

> "We emphasize that we do not hold that these wagering tax provisions [26 U.S.C. §§ 4411 and 4412] are as such constitutionally impermissible; we hold only that those who properly assert the constitutional privilege as to these provisions may not be *criminally* punished for failure to comply with their requirements." (Emphasis supplied.)

Because this is not a criminal case in which an individual's liberty is at stake, there is a question as to whether *Marchetti* is applicable.

The respondent monies were declared forfeit pursuant to 26 U.S.C. § 7302, which provides that "no property rights shall exist in * * * property" used "in violating the provisions of the internal revenue laws." The only provisions of the internal revenue laws which can support forfeiture here are 26 U.S.C. §§ 4411 and 4412.*

Marchetti holds that compliance with §§ 4411 and 4412 subjects the taxpayer to

> " 'real and appreciable,' and not merely 'imaginary and unsubstantial,' hazards of self-incrimination" (390 U.S. at p. 48).

Claimant Angelini would have subject himself to exactly the same hazards by complying. In this respect, *Marchetti* and this case are the same. But the consequences of noncompliance are not the same in the two cases. The prospect of a felony conviction involved in *Marchetti* of course has a greater coercive effect than the possible loss of money involved herein. On the other hand, the prospect of losing in excess of $8,000 has a substantial coercive effect. In this respect, the landmark case of *Boyd* v. *United States*, 116 U.S. 616, is controlling. *Boyd* was a civil forfeiture action in which the claimant was given a choice between producing a possibly incriminating document and forfeiting the property. The Court held that such a choice was impermissible under the Fourth and

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* The applicability of 26 U.S.C. § 4901, which was cited by the District Court, is dependent solely on the §§ 4411 and 4412 violations. Therefore, it need not be considered separately.

Fifth Amendments. See *Garrity* v. *New Jersey*, 385 U.S. 493, 496-497, which reaffirms and follows *Boyd*.

The only apparent purpose of 26 U.S.C. § 7302, as applied here, is to punish violators of Sections 4411 and 4412 of the Internal Revenue Code by taking away money used in committing the violations. See *One 1958 Plymouth Sedan* v. *Pennsylvania*, 380 U.S. 693, 700. As a practical matter, *Marchetti* means that such violations are no longer punishable directly. It follows that they should not be punished indirectly through forfeiture.

Accordingly, the judgment of the District Court is reversed and the cause is remanded for the entry of an appropriate judgment for claimant-appellant.

A true Copy:

Teste:

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UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Chicago, Illinois 60604

Tuesday, April 9, 1968

Before

HON. ROGER J. KILEY, *Circuit Judge*
HON. THOMAS E. FAIRCHILD, *Circuit Judge*
HON. WALTER J. CUMMINGS, *Circuit Judge*

No. 15502

UNITED STATES OF AMERICA, LIBELANT-APPELLEE

vs.

UNITED STATES COIN & CURRENCY
IN THE AMOUNT OF $8,674.00, RESPONDENT

and

DONALD ANGELINI, CLAIMANT-APPELLANT

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division.

This appeal now comes before the Court subsequent to the filing of the judgment of the Supreme Court of the United States vacating the previous judgment entered by this Court on June 27, 1967, and remanding this cause to this Court for further consideration.

IT IS HEREBY ORDERED that the mandate of this Court heretofore issued to the United States District Court for the Northern District of Illinois, Eastern Division, on August 18, 1967, be, and the same is hereby recalled.

IT IS FURTHER ORDERED and adjudged by this Court that the judgment of the United States District Court for the Northern District of Illinois, Eastern Division, entered in this cause be, and the same is hereby REVERSED, and this cause is hereby REMANDED To the said District Court for the entry of an appropriate judgment for claimant-appellant, in accordance with the opinion of this Court filed this day.

SUPREME COURT OF THE UNITED STATES

No. 477, October Term, 1968

UNITED STATES, PETITIONER

v.

UNITED STATES COIN AND CURRENCY, ETC.

ORDER ALLOWING CERTIORARI—Filed November 18, 1968

The petition herein for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit is granted, and the case is placed on the summary calendar.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1968 328926 390